700, 64 S. E. 935. Apart from this, the mere fact that the act committed is a crime would not defeat equity's jurisdiction. *Cranford* v. *Tyrrell*, 128 N. Y. 341, 28 N. E. 514; *Jones* v. *Van Winkle Gin and Machine Works*, 131 Ga. 336, 62 S. E. 236. Nor would the fact that the plaintiff has the right to use force by its executive powers preclude an injunction if irreparable loss would follow from the use of force. *In re Debs*, 158 U. S. 564, 15 Sup. Ct. 900. An injunction in such a case as is presented in the facts would probably be peculiarly effective. In general, however, courts of equity should be extremely reluctant to assume the functions of other branches of the government.

ESTOPPEL — ESTOPPEL IN PAIS — FAILURE TO ACT. — The defendant's name was forged to a telegram purporting to make a contract with the plaintiff. On learning of this, the defendant stated to the plaintiff that he would neither admit nor deny liability on the contract. *Held*, that, even assuming a duty to speak, the defendant is not here estopped to deny the contract, because there was no resultant injury to the plaintiff. *Wiggin* v. *Browning*, 23 Ont. Wkly. Rep. 128 (Divisional Ct.). See NOTES, p. 349.

EVIDENCE — DECLARATIONS CONCERNING MATTERS OF PUBLIC OR GENERAL INTEREST — PRIVATE BOUNDARIES: ADMISSIBILITY OF DECLARATIONS AS PROOF. — In an action of ejectment the rights of the parties depended on a disputed boundary line. The plaintiff offered evidence of what a person, since deceased, who had lived on the land, had said with reference to the location of the line. It did not appear that the declarant had any particular duty or interest in acquiring such information. *Held*, that the evidence is inadmissible. *Smith* v. *Stanley*, 75 S. E. 742 (Va.).

At common law the recognized public or general interest exception to the hearsay rule admitted, to prove boundaries, only declarations as to matters of general reputation in regard to public boundaries. *Queen* v. *Bliss*, 7 A. & E. 550; *Hall* v. *Mayo*, 97 Mass. 416. In some American jurisdictions the courts have made a twofold extension of the exception by admitting hearsay evidence as to private boundaries of particular facts known or acts done by the declarant himself, on the grounds of the necessary lack of other evidence in the early history of American communities. *Martin* v. *Folger*, 15 Cal. 275; *Harriman* v. *Brown*, 8 Leigh (Va.) 697. It has been suggested that the American rule is traceable to the older English rule in regard to private prescription. See 13 HARV. L. REV. 56. The fact that the declarant is in effect an unsworn witness testifying of his own knowledge has led to several clearly defined limitations. The declarant must be dead and have had no motive to misrepresent. *Scarfe* v. *Western North Carolina Land Co.*, 90 Fed. 238. See *Barrett* v. *Kelly*, 131 Ala. 378, 384, 30 So. 824, 826. The rule of *ante litem motam* also applies. *Hamilton* v. *Smith*, 74 Conn. 374, 50 Atl. 884. See 15 HARV. L. REV. 673. The further limitation of the principal case that the declarant must stand in reference to the land so as to have made it his duty or interest to obtain accurate information seems also a reasonable qualification. *Clements* v. *Kyles*, 13 Gratt. (Va.) 468; *Fry* v. *Stowers*, 92 Va. 13, 22 S. E. 500.

FIXTURES — TRADE FIXTURES — WHAT FIXTURES ARE REMOVABLE. — The defendant removed from the front of a store leased from the plaintiff plate-glass windows and marble trimmings which he had attached by screws. The California Code allows removal of a fixture if it "can be effected without injury to the premises, unless the thing has . . . become an integral part of the premises." *Held*, that the plaintiff may recover. *Alden* v. *Mayfield*, 127 Pac. 44 (Cal.).